

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 2, 1963

The regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, October 2, 1963. Councilmen Brown, Culbertson, Dow, Ullmann and Katzakian (Mayor) present. None absent.

Also present: City Manager Graves, City Attorney Mullen and Planning Director Rodgers.

MINUTES

Minutes of September 18, 1963 were approved as written and mailed on motion of Councilman Dow, Culbertson second, after correcting said Minutes by adding to the last sentence of the first paragraph on page four and to the last two sentences of the second paragraph on page four the words "effective August 1, 1963."

PUBLIC HEARINGS

BRIEFING
SESSIONS

Mayor Katzakian read a letter which he had prepared in regard to briefing sessions. His letter stated that the Council has held briefing sessions since 1948 which was prior to the "Brown Act" which was enacted in 1953. Since the "Brown Act" made no specific prohibition against gatherings of the Council prior to meeting, the briefing sessions were continued. However, the Council knows and agrees with the spirit and intent of the "Brown Act"; the briefing sessions are open to anyone who wishes to attend and no decisions are made at these meetings. Also, these meetings give the City Manager an opportunity to discuss personnel and administration matters with the Council. Further, in 1961 Governor Brown vetoed a bill adopted by the State Legislature which would have made pre-meeting briefing sessions illegal. Since Councilman Dow had questioned the legality of the Council's briefing sessions and had requested an opinion from the Attorney General through State Senator Alan Short, doubt had been placed in the minds of the public about the honesty of present councilmen as well as those who served over the last fifteen years. In order to remove all doubt and to bring peace and harmony to the Council so that it can accomplish what it has been elected to do, Mayor Katzakian suggested that the Council do one of the following:

1. Meet around the council table for briefing sessions.
2. Meet in the conference room with public and press invited as has been done in the past.
3. Eliminate briefing sessions completely.

He recommended that the Council agree on item No. 1. Councilman Culbertson, in light of the publicity given the pre-council sessions and the controversy over the decision of the Attorney General, moved that briefing sessions, if any, be held at 7:30 p.m. in the Council Chambers with the public aware of the meetings and able to attend. The motion was seconded by Councilman Dow. City

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Attorney Mullen stated that he had not received a copy of the Attorney General's opinion, but had made a cursory examination of a copy given to the press. As City Attorney he would have advised the Council if their meetings were illegal, and as no action was taken at these briefing sessions, the Council was not in violation of the law. Councilman Culbertson said it should be pointed out that neither Councilman Dow or others had reason to accuse any members of the Council of acting illegally since they never came to any conclusions in the briefing sessions and the public should be aware of this. The motion carried unanimously.

LODI AVE.
BICYCLE PATH

Mrs. Dante Ballatore said that she wished to thank whoever was responsible for putting in the bicycle path on Lodi Avenue west of Ham Lane and that the residents in the area who were concerned about the safety of their children were happy about it. Mayor Katzakian informed Mrs. Ballatore that the City Manager had had the work done.

BRIEFING
SESSIONS

Mr. Victor Goehring said that in his opinion the Council had made a good move in deciding to hold the briefing sessions in the Council Chambers. However, he felt that the Attorney General had violated ethics in not sending an opinion to the city. Mr. William Rempfer, 115 South Fairmont said he was pleased with the Council's action in regard to briefing sessions, but said that blame should not be placed on Councilman Dow. He questioned last year's election of the Mayor.

UNITED
CRUSADE

Mr. W. T. Harkins, 900 Windsor Drive, on behalf of the United Crusade, requested permission to have a thermometer installed at the corner of Church and Pine Street to show current status of contributions to the United Crusade. The thermometer would be removed around November 14. On motion of Councilman Brown, Culbertson second, the above request was granted.

PLANNING COMMISSION

GENN
TRAILER
PERMIT

City Manager Graves read the memorandum from the Planning Director concerning the action taken by the Planning Commission on the request of Mr. Jimmey Genn for a trailer permit to establish a one-unit trailer park on the Harris Pine Mills property located at 1111 South Stockton Street in the "M" industrial zone. Although the Zoning Ordinance specifically discourages residential developments in industrial zones, it was felt that this proposed trailer location would be more in the form of a caretaker's home for the industrial plant. The trailer would be suitable for this type of use since it could be readily removed at such time as further industrial development in the area makes it undesirable for continued residential use. The Planning Commission recommended approval of the request. On motion of Councilman Dow, Brown second, the Council approved the establishment of a one unit trailer park on the Harris Pine Mills property at 1111 South Stockton Street, subject to the condition that the trailer be used

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at this location only as long as Mr. Genn performs some of the duties of caretaker for the plant, and that it be connected to city water and sewer lines.

COMMUNICATIONS

WATER FOR PIONEER - PINE GROVE - VOLCANO DISTRICT

A letter was received from Mr. Gordon H. Armstrong, attorney for the Pioneer-Pine Grove-Volcano County Water District, requesting written consent from the City of Lodi for purchase of water from Pacific Gas and Electric Company from the Company's Amador Canal. Mr. Graves explained that when the Court case on water rights was settled, PG&E was allowed to serve Ione and Jackson a certain amount of water. Ione and Jackson do not require the full amount so the excess is available for the Pioneer-Pine Grove-Volcano District, and the City of Lodi would not be affected. Mr. Graves recommended that approval be given on a temporary basis. Councilman Culbertson moved that the City approve the delivery of not to exceed two cubic feet of water per second by PG&E to the Pioneer-Pine Grove-Volcano County Water District on an annual basis with the right to review such water diversion annually. The motion was seconded by Councilman Ullmann and carried.

APPLICATION - LODI AMBULANCE SERVICE

An application for an Ambulance Operator's Permit was presented (along with a report thereon from the Chief of Police) from Philip Jolly, Lloyd Helwig and Melvin Helwig under the name of Lodi Ambulance Service. The matter was set for public hearing on October 16, 1963, on motion of Councilman Dow, Ullmann second, at which time the Council will determine if public convenience and necessity require such service.

ABC LICENSES

The following applications for Alcoholic Beverage Licenses were reported:

1. Glenn M., Doris M. and Thomas D. Hanson, Retail Package Off-Sale, General License, Red Carpet, 720 West Lodi Avenue.
2. Sandra L. and William R. Pratt, Lodi El Rancho, 621 North Cherokee Lane, On-Sale General Bona Fide Public Eating Place.

SISTER CITY SESSION

A notice was read from the League of California Cities concerning the Sister City session to be held Sunday, October 20, prior to the League Conference in San Francisco. The notice was given to Councilman Culbertson.

PT&T APPL. RE SERVICE RATES IN LOCAL AREAS

Notice was given of the application of the Pacific Telephone and Telegraph Company before the Public Utilities Commission for authority to establish extended service in the Galt, Herald, Lockeford, Lodi and Thornton exchanges and to withdraw message toll telephone service rates now in effect between these areas. Councilman Brown moved that the Council go on record as favoring the application. The motion was seconded by Councilman Dow and carried.

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SCHOOL BOARD
RE TV CABLE

Mr. Graves read a letter from the Lodi Elementary School Board asking permission to encroach within City rights of way with TV cable and to attach the cable to light poles where feasible for the purpose of extending closed circuit TV programs from George Washington School to the various elementary schools of the district. The initial line is to be run between George Washington and Leroy Nichols schools and will be installed by qualified engineers. The School Board will comply with FCC regulations, will be responsible for maintaining the line, and will provide liability insurance. Mr. Graves said the School Board will acquire easements from property owners where needed. There would be no cost to the City. Councilman Dow moved that approval be given in principle, subject to more details concerning layout of the line and the terms of an agreement. The motion was seconded by Councilman Ullmann. Councilman Culbertson said that he would like to have more details and he questioned the esthetics of placing the cables on the light poles. After further discussion, Councilman Dow amended his motion to include the proviso that it was incumbent on the School Board to get permission from adjacent property owners where lines will go on public right of way. Councilman Ullmann agreed to the amendment. Councilman Culbertson was additionally concerned because the Board was asking for approval of cable they may wish to install between other schools and different problems may be encountered in other areas. Mr. Woodrow Mitchell, President of the Elementary School Board, said the Board was trying to proceed cautiously with a minimum type of effective system as a test pattern and would only put others in if this project was successful. He said that the cables were practically invisible and that the Council could restrict placing the cable on light poles to the Washington-Nichols connection if it wished. Cable has been stretched between the main building to the annex at Needham School on Pleasant Avenue. Mr. Mitchell said that the Board would be happy to have cable stretched between two light poles so the Council could see how it looked. After further discussion by the Council concerning the need to know more about the installation before reaching a decision, Councilman Dow withdrew his motion and Councilman Ullman his second. Councilman Culbertson then moved that the matter be tabled to the next meeting or until cable had been stretched for Council inspection. The motion was seconded by Councilman Brown and carried. Mr. Mitchell said he would notify the Council when the cable was ready for inspection.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$228,453.42 were approved on motion of Councilman Dow, Culbertson second.

CROSSWALKS
ESTABLISHEDRES. NO. 2665
ADOPTED

The Woods School has requested that a pedestrian crossing be installed on Loma Drive on the south side of Robert Street. Such a crosswalk would allow children living on the east side of Loma Drive to cross with greater safety to the west side of the street where sidewalk has recently been installed. There is no sidewalk on the east side of Loma Drive between Lockeford and Colette Streets. The Engineering Department recommends

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that the request be granted. Mr. Graves said that requests had been made for a crosswalk on Graffigna Street on the west side of Fairmont Avenue and he recommended the painting of a crosswalk at this location. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 2665 establishing pedestrian crosswalks across Loma Drive on the south side of Robert Street and across Graffigna Street on the west side of Fairmont Avenue.

STREETS
ACCEPTED IN
WESTDALE SUBD.

RDS. NO. 2666
ADOPTED

City Manager Graves reported that Tokay Street and Camellia Way in the Westdale Subdivision were ready for acceptance by the City. The Council adopted Resolution No. 2666 accepting Tokay Street and Camellia Way in the Westdale Subdivision on motion of Councilman Brown, Ullmann second.

PREVAILING
WAGES

RES. NO. 2667
ADOPTED

Changes having been made in the wage scale for operating engineers since the adoption of Resolution No. 2646, the Council adopted Resolution No. 2667 amending Resolution No. 2646 by adopting the present scale of prevailing wages for operating engineers on motion of Councilman Culbertson, Dow second.

DRIVEWAYS -
BAYBARZ
BINDER CO.

The City Manager presented a sketch of four proposed driveways for the Baybarz Binder Company at the northwest corner of Lodi Avenue and Kelly Street. One of the driveways is 36 feet wide, but the Engineering Department reports that this driveway will serve as access to the buildings and the area west of the main building, making it unnecessary to construct an additional driveway. Mr. Graves recommended that the driveways be approved. Councilman Culbertson moved that permission be granted to construct the driveways as requested. The motion was seconded by Councilman Brown and carried.

ALLEY BTW
GARFIELD &
CHEROKEE S
OF HAROLD

Mr. Graves gave a report on the request made by property owners for the improvement of an alley between Garfield and Cherokee Lane south of Harold Street. The north ten feet is shown on the original map of Willow Tract as "reserved for alley," but has never been formally dedicated to the City. Except for the east 100 feet, the south ten feet of the alley has never been reserved or dedicated. There are nineteen property owners abutting the alley which is being used by five property owners or tenants. All of the owners are requesting improvement of the alley except one owner who has a building which projects six feet within the proposed right of way. The people who signed the request are willing to dedicate the right of way, but want the City to pay for costs of improvement which the Engineering Department estimates would be \$2,500. An additional \$250 would be needed to pay for title search, etc., in acquiring the land. City Attorney Mullen pointed out that the Council would be setting a policy and that there were other undedicated alleys in the City. After further discussion, Councilman Brown moved that the matter be tabled to the next meeting and that meanwhile members of the Council look at the alley and also an unimproved portion of Cherry Street. The motion was seconded by Councilman Ullmann and carried.

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SPECS - CARS Specifications for two police cars and one fire department car were approved and calling for bids authorized on motion of Councilman Culbertson, Dow second.

GAS TAX FUND An amended budget from the State Division of Highways for expenditure of State Allocated Funds for the 1963-64 fiscal year was presented for RES. NO. 2668 Council approval. On motion of Councilman ADOPTED Culbertson, Brown second, the budget was approved as presented by the adoption of Resolution No. 2668.

SPECS - CONCRETE PIPE Specifications for concrete pipe were presented for Council approval. Councilman Culbertson moved that the specifications for concrete pipe be approved and advertising for bids authorized. The motion was seconded by Councilman Dow and carried.

GALT HIGH SCHOOL STADIUM CONTRACT Mr. Graves presented a contract for use of the Lodi Stadium by Galt Union High School for football games to be in effect until August 31, 1966, which is the date the stadium contract with Lodi Union High School expires. The contract was approved and the Mayor authorized to execute it on behalf of the City on motion of Councilman Brown, Dow second.

The City Council then adjourned.


Attest: BEATRICE GARIBALDI
City Clerk